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CLERK'S OFFICE, U.S. DISTRICT COURT
FOR THE DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AUSTIN WEILACHER,
PORTER HAMBLIN, and
AUSTIN BENSON,

Defendants.

INDICTMENT

COUNTS 1-6: 49 U.S.C. § 32705(a) &
32709(b) & 18 U.S.C. § 2
False Odometer Statements (All
defendants)

Case: 2:23-cr-00297
Assigned To : Barlow, David
Assign. Date : 8/15/2023

The Grand Jury Charges:

1. At times relevant and material to this Indictment:

- (a) Defendant AUSTIN WEILACHER was engaged in the buying and selling of used motor vehicles.
- (b) Defendant PORTER HAMBLIN was engaged in the buying and selling of used motor vehicles.

(c) Defendant AUSTIN BENSON assisted in the buying and selling of used motor vehicles and worked on the vehicles, including tampering with the odometers of vehicles so they would not be accurate, or they would be broken, thereby inflating the value of the vehicles.

2. Defendants AUSTIN WEILACHER, PORTER HAMBLIN, and AUSTIN BENSON, engaged in an extensive scheme and artifice to defraud used car purchasers through odometer fraud. As part of the scheme and artifice to defraud:

3. The defendants caused the immediate buyers of used motor vehicles, including ultimate consumers, to pay more for the vehicles than they would have paid if they had known the vehicles' correct mileage readings.

4. Defendants AUSTIN WEILACHER, PORTER HAMBLIN, and AUSTIN BENSON, would purchase numerous used motor vehicles (mostly late-model, high-mileage vehicles), cause the electronic odometers of those vehicles to be disconnected so that the accurate mileage figures could not be shown, and then resell the vehicles to purchasers in the District of Utah, representing to the purchasers that the vehicles had a much lower false mileage than currently shown on the vehicles' mileage readings.

5. Defendant PORTER HAMBLIN purchased high-mileage used motor vehicles for resale using various names, both real and fictitious, from other persons in the District of Utah, generally through online internet advertising.

6. After purchasing those vehicles, defendants AUSTIN WEILACHER and PORTER HAMBLIN worked with defendant AUSTIN BENSON to cause the vehicles' odometers to be broken so that they could represent to car buyers that the vehicles had much lower mileage figures (vehicles with such altered odometers are called "broken odometer vehicles" below).

7. Defendants AUSTIN WEILACHER, PORTER HAMBLIN, and AUSTIN BENSON caused the vehicles they purchased to be cleaned and made incidental repairs in a manner designed to conceal their true mileage.

8. Defendants AUSTIN WEILACHER, PORTER HAMBLIN, and AUSTIN BENSON caused automobile titles and other motor vehicle titles and ownership documents (including CARFAX reports) to be physically altered so that the mileage figures on those documents corresponded to the false low mileage odometer statements that would be conveyed to the car purchasers.

9. Defendants AUSTIN WEILACHER sold, and caused to be sold, the broken odometer vehicles to subsequent purchasers generally through online internet advertisements in the District of Utah, using a fake name or his real name to affect the sale. In connection with the sale of the broken odometer vehicles, defendant AUSTIN WEILACHER provided false low mileage odometer disclosure statements or fake CARFAX reports to these purchasers.

10. Defendants' actions and misrepresentations resulted in the defendants receiving higher prices for the vehicles sold than they would have received if the vehicles had correct mileage readings, because buyers of the vehicles paid more for the vehicles than they would have paid if they had known the vehicles' true mileage.

COUNTS 1-6
49 U.S.C. §§ 32705(a) & 32709(b)
(False Odometer Statement)

11. Paragraphs 1 through 10 are realleged and incorporated herein by reference.

12. On or about the dates listed below, in the District of Utah,

AUSTIN WEILACHER,
 PORTER HAMBLIN, and
 AUSTIN BENSON,

defendants herein, did knowingly and willfully give and cause to be given, in making the written disclosures to the buyers of used motor vehicles required by Title 49, United States Code, Section 32705(a), and Title 49, Code of Federal Regulations, Part 580, false statements relating to the cumulative mileage registered on the odometers of the motor vehicles listed below, in that defendants AUSTIN WEILACHER, PORTER HAMBLIN, and AUSTIN BENSON, certified as accurate the false mileages listed below, when in fact the odometers of the vehicles had higher mileages listed below when defendants acquired the vehicles, each such instance being a separate Count of this Indictment:

<u>Count</u>	<u>Date</u>	<u>Vehicle VIN No.</u>	<u>False Mileage</u>
1	5/8/2023	XX1845	70,000 more than disclosed

2	5/19/2023	XX7592	72,000 more than disclosed
3	6/9/2023	XX6511	98,000 more than disclosed
4	6/12/2023	XX4138	93,000 more than disclosed
5	6/25/2023	XX9889	86,000 more than disclosed
6	7/17/2023	XX8090	83,000 more than disclosed

All in violation of Title 49, United States Code, Sections 32705(a) and 32709(b),
and Title 18, United States Code, Section 2.

A TRUE BILL:

[Signature]
FOREPERSON OF GRAND JURY

TRINA A. HIGGINS
United States Attorney

[Signature]
STEWART M. YOUNG
Assistant United States Attorney